And it is further ordered, That notice of this finding shall be given to the general public by depositing a copy of this order and the attaced notice in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy of the notice to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to interested persons.

Dated at Washington, D.C., this 31st day of October 1975.

By the Commission, Commissioner Brown.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[AB 11 (Sub-No. 1, 2)]

CHICAGO AND EASTERN ILLINOIS RAILROAD CO.

ABANDONMENT BETWEEN CERTAIN LINES

AB 11, Chicago and Eastern Illinois Railroad Company abandonment between Joppa Junction and Fayville Junction, Johnson, Pulaski, and Alexander Counties, Illinois; AB 11 (Sub-No. 1), Chicago and Eastern Illinois Railroad Company abandonment of operations between Fayville Junction and Thebes Junction, Alexander County, Illinois; AB 11 (Sub-No. 2), Chicago and Eastern Illinois Railroad Company abandonment of operations between Rockview and Chaffee, Scott County, Missouri.

The Interstate Commerce Commission hereby gives notice that by order dated October 31, 1975, it has been determined that (1) the proposed abandonment of the line between Joppa Junction and Fayville Junction, a distance of approximately 25.7 miles, all in Johnson, Pulaski, and Alexander Counties, Ill., (2) the proposed abandonment of operations only between Thebes Junction and Fayville Junction, a distance of 4.88 miles, all in Alexander County, Ill., and (3) the proposed abandonment of operations only between Rockview and Chaffee, a distance of 2.42 miles, all in Scott County, Mo., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the associated environmental impacts are considered insignificant because adequate alternative rail lines as well as other transportation modes are available to handle any resultant traffic diversions and no more than 700 carloads of local and interchange traffic would be affected. Although the rerouting may be more circuitous and less energy efficient the subject actions should create only minimal alterations in fuel consumption, air quality, ambient noise levels, and safety conditions. In addition, no definitive land use plans exist in the region which necessitate continued operations of the subject lines.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-7966.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before December 10, 1975.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[FR Doc.75-30992 Filed 11-14-75;8:45 am]

[S.O. 1221, Exception 1]

EMPTY CARS OF PRIVATE OWNERSHIP

Car Service Exemption

It appearing, That empty cars of private ownership, are subject to control of the car owners; that there are no "home" lines to which such cars can be returned; that the owners of such cars control their distribution; that railroads are prohibited from furnishing such cars for loading unless authorized by the car owner; and that compliance with section (a), paragraphs (3)(i) and (4)(i) with respect to empty cars of private ownership.

It is ordered, That, pursuant to the authority vested in the Railroad Service Board by Service Order No. 1221, section (a), paragraph (i), Part (vii), empty cars of private ownership are exempt from the provisions of section (a), paragraphs (3)(i) and (4)(i) of service Order No. 1221.

Effective: November 1, 1975.

Issued at Washington, D.C., October 31, 1975.

RAILROAD SERVICE BOARD,
[SEAL] R. D. PFAHLER,
Chairman.

[FR Doc.75-30989 Filed 11-14-75;8:45 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 12, 1975.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1100.40) and filed on or before December 2, 1975.

FSA No. 43076—*Fertilizer and Fertilizer Materials from Salida, Colorado.* Filed by Western Trunk Line Committee, Agent (No. A-2719), for interested rail carriers. Rates on fertilizer and fertilizer materials, in carloads, as described in the application, from Salida, Colorado, to points in western trunk-line territory.

Grounds for relief—Market competition, short-line distance formula and grouping.

Tariff—Supplement 5 to Western Trunk Line Committee, Agent, tariff W-434-K, I.C.C. No. A-4994. Rates are published to become effective on December 10, 1975.

FSA No. 43077—*Beet or Cane Sugar to North Chicago, Illinois.* Filed by Western Trunk Line Committee, Agent, (No. A-2720), for interested rail carriers. Rates on sugar, beet or cane, dry, in bulk, in carloads, as described in the application, and returned shipments in the reverse direction, from points in Montana, transcontinental and western trunk-line territories, to North Chicago, Illinois.

Grounds for relief—Market competition, rate relationship, returned shipments.

Tariffs—Supplement 176 to Western Trunk Line Committee, Agent, tariff 159-0, I.C.C. No. A-4481, and 4 other schedules named in the application. Rates are published to become effective on December 15, 1975.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-30994 Filed 11-14-75;8:45 am]

[Notice 129]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

NOVEMBER 12, 1975.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of

the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the I.C.C. Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 7555 (Sub-No. 67TA), filed November 3, 1975. Applicant: TEXTILE MOTOR FREIGHT, INC., P.O. Box 70, Ellerbe, N.C. 28338. Applicant's representative: Terrence D. Jones, Suite 300, 1126 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned citrus juice*, when transported at the same time in the same vehicle with fresh citrus fruits, in containers, and fresh fruit sections and salads (not frozen), in containers, from the plantsite and facilities of Citrus World, Inc., at or near Lake Wales, Fla., to points in Connecticut, Delaware, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and the District of Columbia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Seald-Sweet Sales, Inc., P.O. Box 2349, Tampa, Fla. 33601. Send protests to: Terrell Price, District Supervisor, 800 Briar Creek Road, Room CC516, Mart Office Bldg., Charlotte, N.C. 28205.

No. MC 20992 (Sub-No. 35TA), filed November 3, 1975. Applicant: DOTSETH TRUCK LINE, INC., Knapp, Wis. 54749. Applicant's representative: Patrick E. Quinn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the facilities of Nucor Steel Division of Nucor Corporation at or near Norfolk, Nebr., to points in Minnesota, North Dakota, South Dakota, Illinois, Indiana, and Wisconsin. Restriction: Restricted to traffic originating at the steel mill facilities of the Nucor Steel Division of Nucor Corporation, at or near Norfolk, Nebr., and destined to the named destinations, for 180 days. Supporting shipper: Nucor Steel Division of Nucor Corporation, P.O. Box 59, Norfolk, Nebr. 68701. Send protests to: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg., & U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 61396 (Sub-No. 295TA), filed October 20, 1975. Applicant: HERMAN BROS., INC., 2565 St. Marys Ave., P.O. Box 189, Omaha, Nebra. 68101. Applicant's representative: John E. Smith II (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid oxygen*, in bulk, in tank vehicles, from the NCG Division of Chemetron, Mount Vernon, Ind., to points in Illinois, Kentucky, and Tennessee, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority: Supporting shipper: W. K. Kubala, Distribution Superintendent, Airco Industrial Gases, Box 300, Chessen Lane, East Alton, Ill. 62024. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th St., Omaha, Nebr. 68102.

No. MC 61396 (Sub-No. 296TA), filed October 20, 1975. Applicant: HERMAN BROS., INC., 2565 St. Marys Ave., P.O. Box 189, Omaha, Nebr. 68101. Applicant's representative: John E. Smith II (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid oxygen*, in bulk, in tank vehicles, from the plantsite of Northern Petrochemical Company, at Morris, Ill., and the plantsite of U.S. Steel Corporation, at Chicago, Ill., to points in Kentucky, Tennessee, Iowa, Kansas, and Indiana, for 180 days. Supporting shipper: W. K. Kubala, Distribution Superintendent, Airco Industrial Gases, Box 300, Chesen Lane, East Alton, Ill. 62024. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th St., Omaha, Nebr. 68102.

No. MC 87231 (Sub-No. 23TA), filed October 31, 1975. Applicant: BAY & BAY TRANSFER CO., INC., 805 North Fourth St., Minneapolis, Minn. 55401. Applicant's representative: Andrew C. Selden, 300 Roanoke Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silica sand*, in bag or bulk, from the Clayton Silica Plant, at or near Clayton, Iowa, to points in the Minneapolis-St. Paul, Minnesota Commercial Zone as defined by the Commission, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Hitchcock Industries, Inc., 8701 Harriett Ave., South, Minneapolis, Minn. 55420. Union Brass & Metal Manufacturing Company, 501 W. Lawson, St. Paul, Minn. 55117. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg., & U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 114457 (Sub-No. 246TA), filed November 3, 1975. Applicant: DART TRANSIT COMPANY, 2102 University Ave., St. Paul, Minn. 55114. Applicant's representative: James C. Hardman, Suite 2108, 33 North LaSalle St., Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen potatoes and potato products*, from Clark, S. Dak., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, New Mexico, North Carolina, North Dakota, Ohio, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Virginia, Vermonth, West Virginia, Wisconsin, Colorado, and the District of Columbia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Midwest Foods Corporation, P.O. Box 100, Clark, S. Dak. 57225. Send protests to: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg., & U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 117068 (Sub-No. 53TA), filed November 3, 1975. Applicant: MIDWEST SPECIALIZED TRANSPORTATION, INC., North Highway 63, P.O. Box 6418, Rochester, Minn. 55901. Applicant's representative: Paul F. Sullivan, 701 Washington Bldg., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the facilities of Nucor Steel Division of Nucor Corporation, at or near Norfolk, Nebr., to points in Minnesota, Illinois, Indiana, Michigan, Ohio and Wisconsin. Restriction: Restricted to traffic originating at the steel mill facilities of the Nucor Steel Devision of Nucor Corporation, at or near Norfolk, Nebr., and destined to the named destinations, for 180 days. Supporting shipper: Nucor Steel Division of Nucor Corporation, P.O. Box 59, Norfolk, Nebr. 68701. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg., & U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 119634 (Sub-No. 14TA), filed November 3, 1975. Applicant: DICK IRVIN, INC., P.O. Box F, Shelby, Mont. 59474. Applicant's representative: Charles R. Irvin (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk and bags, from the Kaiser Cement & Gypsum Corp., plant at Montana City, Mont., and the Ideal Basic Industries plant at Trident, Mont., to the ports of entry on the International Boundary line, between the United States and Canada, located in Montana, on traffic destined for all points in Alberta, Canada, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: W. T. Pfluge, Sales Manager, Ideal Basic Industries, Cement Division, 503 Midland Bank Bldg., P.O. Box 2095, Billings, Mont. 59103. M. B. Milam, District Manager, Marketing Services, Kaiser Cement & Gypsum Corporation, 515 N. Sanders, Helena, Mont. 59601. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Room 222, U.S. Post Office Bldg., Billings, Mont. 59101.

No. MC 119765 (Sub-No. 34TA), filed November 3, 1975. Applicant: HENRY G. NELSEN, INC., 5402 South 27th St., Omaha, Nebr. 68107. Applicant's representative: Donald L. Stern, 530 Univac Bldg., Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*,

by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the facilities of Nucor Steel Division of Nucor Corporation, at or near Norfolk, Nebr., to points in Illinois, Indiana, and Kansas, restricted to traffic originating at the steel mill facilities of the Nucor Steel Division of Nucor Corporation, at or near Norfolk, Nebr., and destined to the named destinations, for 180 days. Supporting shipper: Eugene F. Tyson, Division Controller, Nucor Steel Division of Nucor Corporation, P.O. Box 59, Norfolk, Nebr. 68701. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th St., Omaha, Nebr. 68102.

No. MC 123004 (Sub-No. 7TA), filed October 31, 1975. Applicant: THE LUPER TRANSPORTATION CO., 350 East 21st, Wichita, Kans. 67214. Applicant's representative: John E. Jandera, 641 Harrison, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat by-products, and articles* distributed by meat packinghouses as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides, dry acids, chemicals in bulk, and liquid commodities in bulk, in tank vehicles), from the plantsite and warehouse facilities utilized by John Morrell & Co., at or near Lubbock, Tex., to points in Illinois, for 180 days. Supporting shipper: John Morrell & Co., 208 S. LaSalle St., Chicago, Ill. 60604. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 501 Petroleum Bldg., Wichita, Kans. 67202.

No. MC 124328 (Sub-No. 87TA), filed November 3, 1975. Applicant: BRINK'S, INC., 234 E. 24th St., Chicago, Ill. 60616. Applicant's representative: Chandler L. Van Orman, 704 Southern Bldg., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gold, silver, indium, and other precious metals*, from Amarillo, Tex., to points in the United States (except Alaska and Hawaii), under a continuing contract with American Smelting & Refining Company, for 180 days. Supporting shipper: American Smelting & Refining Company, Charles W. Kane, Traffic Manager, 120 Broadway, New York, N.Y. 10005. Send protests to: Patricia A. Roscoe, Transportation Assistant, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 124813 (Sub-No. 134TA), filed November 3, 1975. Applicant: UMTHUN TRUCKING CO., 910 South Jackson St., Eagle Grove, Iowa 50533. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the facilities of Nucor Steel Division of Nucor Corporation, at or near Norfolk, Nebr., to points in Colorado, Idaho, Illinois, Indiana, Minnesota, Montana, Oregon, South Dakota, Utah, Washington, and Wyoming, restricted to traffic originating at the steel mill facilities of the Nucor Steel Division of Nucor Corporation, at or near Norfolk, Nebr., and destined to the named destinations, for 180 days. Supporting shipper: Nucor Steel Division of Nucor Corportation, P.O. Box 59, Norfolk, Nebr. 68701. Send protests to: Herbert W. Allen, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 875 Federal Bldg., Des Moines, Iowa 50309.

No. MC 125650 (Sub-No. 12TA), filed November 3, 1975. Applicant: MOUNTAIN PACIFIC TRUCKING, INC., Route 2, Missoula, Mont. 59801. Applicant's representative: Michael D. Duppenthaler, 515 Lyon Bldg., 607 Third Ave., Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, in vehicles equipped with mechanical refrigeration, from McMinnville and Portland, Oreg., to points in Idaho, Montana, Benton, Chelan, Franklin, Spokane, Walla Walla, and Yakima Counties, Wash.; Wyoming; and Wasatch, Morgan, Davis, Salt Lake, Weber, Cache, Box Elder, Rich, and Tooele Counties, Utah, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Roger W. Moser, V. P., Mrs. Smith's West Coast Pie Company, 2803 Orchard Ave., McMinnville, Oreg. 97128. Douglas Lundmark, Office Manager, Diane's Foods, Inc., 3101 Orchard Ave., McMinnville, Oreg. Dan E. Miller, President, Attila Foods, 1810 N. W. 18th Ave., Portland, Oreg. 97209. Paul J. Bjore, Administrative Manager, Haley's Foods, P.O. Box 200, Hillsboro, Oreg. 97123. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Room 222, U.S. Post Office Bldg., Billings, Mont. 59101.

No. MC 133233 (Cub-No. 43TA), filed November 3, 1975. Applicant: CLARENCE L. WERNER, doing business as WERNER ENTERPRISES, 802 32nd Ave., Council Bluffs, Iowa 51501. Applicant's representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Appliances*, from the plantsite and warehouse facilities of The Maytag Company, at or near Newton, Iowa, to points in Washington, Oregon, Idaho, Nevada, and Utah. Restrictions: The operations authorized are limited to a transportation service to be performed under a continuing contract with The Maytag Company, for 180 days. Supporting shipper: Lee O. Hays, Traffic Manager, The Maytag Company, 403 West 4th St., Newton, Iowa. Send Protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th St., Omaha, Nebr. 68102.

No. MC 133233 (Sub-No. 44TA), filed November 3, 1975. Applicant: CLARENCE L. WERNER, doing business as WERNER ENTERPRISES, 802 32nd Ave., Council Bluffs, Iowa 51501. Applicant's representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Appliances*, from the plantsite and warehouse facilities of The Maytag Company, at or near Newton, Iowa, to points in Alabama, Florida, Georgia, Louisiana, and Mississippi. Restrictions: The operations authorized are limited to a transportation service to be performed under a continuing contract or contracts with the Maytag Company, for 180 days. Supporting shipper: Lee O. Hays, Traffic Manager, The Maytag Company, 403 West 4th St., Newton, Iowa. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th St., Omaha, Nebr. 68102.

No. MC 135797 (Sub-No. 43TA), filed October 30, 1975. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 200, Lowell, Ark. 72745. Applicant's representative: L. C. Cypert, 108 Terrace Drive, Lowell, Ark. 72745. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Polystyrene egg cartons*, from the plantsite of Creative Packaging, at or near Bridgeview, Ill., to points in Arkansas, Kansas, Louisiana, Mississippi, Missouri, Oklahoma, Tennessee, and Texas, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Mobil Oil Corporation, Central Traffic Region, 8350 N. Central Expressway, Suite 522, Dallas, Tex. 75206. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Bldg., 700 West Capitol, Little Rock, Ark. 72201.

No. MC 136008 (Sub-No. 65TA), filed October 30, 1975. Applicant: JOE BROWN COMPANY, INC., P.O. Box 1669, Ardmore, Okla. 73401. Applicant's representative: G. Timothy Armstrong, Suite 200, Timbergate Office Gardens, 6161 N. May Ave., Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicles, over irregular routes, transporting: *Aggregate*, in bulk, in dump vehicles, from the plantsite facilities of Tex-Iron, Inc., at Cushing, Tex., to the plantsite and facilities of Martin-Marietta Cement Co., at Tulsa, Okla., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Martin-Marietta Cement Company, Don Endicott, Traffic Manager, 5350 E. 46th St., Tulsa Okla. 74151. Send protests to: Marie Spillars, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Bldg., 215 NW. Third, Oklahoma City, 73102.

No. MC 138328 (Sub-No. 24TA), filed October 30, 1975. Applicant: CLARENCE L. WERNER, doing business as WERNER ENTERPRISES, 805 32nd Ave., P.O. Box 831, Council Bluffs, Iowa 51501. Applicant's representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a

common carrier, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the steel mill facilities of the Nucor Steel Division of Nucor Corporation, at or near Norfolk, Nebr., to points in California, Idaho, Nevada, Oregon, Utah, Washington, Colorado, Montana, South Dakota, and Wyoming. Restriction: The authority is conditioned for three years upon submission to the Commission of a written statement with the annual report of the carrier detailing the number of shipments and total tonnage transported by the carrier to each destination state authorized to be served, with the right to serve any such destination state to abate upon petition of the shipper as to any state in which no service has been provided during the calendar year subjected to the reporting requirement restriction and further restricted to traffic originating at the steel mill facilities of the Nucor Steel Division of Nucor Corporation near Norfolk, Nebr., and destined to the named destinations, for 180 days. Supporting shipper: Eugene F. Tyson, Division Controller, Nucor Steel Division of Nucor Corporation, P.O. Box 59, Norfolk, Nebr. 68701. Send protests to: Carroll Russell, District Supervisor, Suite 620, 110 North 14th St., Omaha, Nebr. 68102.

No. MC 140511 (Sub-No. 1TA), filed November 3, 1975. Applicant: AUTOLOG CORPORATION, 319 W. 101 St., New York, N.Y. 10025. Applicant's representative: Myron Levine (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Shipper owned or operated used automobiles with accompanying baggage, contents thereof and/or other effects* transported for shipper's use and not for resale, all to be transported on a trailer capable of transporting approximately six to eight automobiles, restricted against automobiles having an immediate prior or subsequent movement by rail. Applicant proposes to transport such commodities for individual shippers without being required to consolidate such shipments in order to transport said commodities in bulk, between points in Massachusetts, Connecticut, New Jersey, and those points in New York east of Interstate Highway 81, on the one hand, and, on the other, points in Florida, for 180 days. Supporting shippers: There are approximately 12 statements of support attached to the application which may be examined at the Interstate Commerce Commission, in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Stephen P. Tomany, District Supervisor, 26 Federal Plaza Room 1807, New York, N.Y. 10007.

No. MC 140615 (Sub.-No. 7TA), filed November 3, 1975. Applicant: DAIRYLAND TRANSPORT, INC., P.O. Box 1064, Wisconsin Rapids, Wis. 54494. Applicant's representative: Dennis G. Brown (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic materials* (other than expanded) solid, lump, granules, pellets, powder, flake, or liquid, from Leominster, Mass., and Peru, Ill., to Pembine, Wis., and Webster, S. Dak., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Midwest Plastics, Inc., North St., Pembine, Wis. 54156. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, 139 W. Wilson St., Room 202, Madison, Wis. 53703.

No. MC 140943 (Sub-No. 1TA), filed October 31, 1975. Applicant: CHEYENNE ROAD TRANSPORT LTD., 2620 Barlow Trail NE., Calgary, Alberta, Canada T1Y 1A1. Applicant's representative: G. Boys (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed ingredients and fertilizer*, from points in Alberta, Canada, to points in Idaho, Montana, Washington, Oregon, North Dakota, South Dakota, Wisconsin, and Minnesota, for 180 days. Supporting shipper: D. W. Henderson Products Ltd., 119 Fairview Drive SE., Calgary, Alberta, Canada. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Room 222, U.S. Post Office Bldg., Billings, Mont. 59101.

No. MC 141278 (Sub-No. 1TA), filed October 30, 1975. Applicant: CHARLES W. SIRCY CORP., 434 Atlas Drive, Nashville, Tenn. 37211. Applicant's representative: Roland M. Lowell, Suite 618, Hamilton Bank Bldg., Nashville, Tenn. 37219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles* distributed by meat packinghouses (except hides, skins, and pieces therefrom, and commodities in bulk), (1) from Nashville and Clarksville, Tenn., and Kinston, N.C., to points in Iowa, Illinois, Kansas, Louisiana, Massachusetts, Maryland, Michigan, Missouri, Nebraska, North Carolina, New Jersey, New York, Ohio, Pennsylvania, and Virginia; and (2) from Kinston, N.C.; Muncie, Ind.; Louisville, Ky.; and Cincinnati, Ohio, to Clarksville, Tenn., under a continuing contract or contracts with Frosty Morn Meats, Inc., for 180 days. Supporting shipper: Frosty Morn Meats, Inc., Clarksville, Tenn. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite A-422 U.S. Courthouse, 801 Broadway, Nashville, Tenn. 37203.

No. MC 141456 (Sub-No. 1TA), filed October 30, 1975. Applicant: MIDLAND TRUCK LINE, INC., 3317 Sheffield, Hammond, Ind. 46320. Applicant's representative: Albert A. Andrin, 180 North LaSalle St., Chicago, Ill. 60601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Raw and scrap plastic*, between Bainbridge and Hazelhurst, Ga.; Milport, Ala.; and Bedford Park, Ill., under a continuing contract or contracts with Harper Plastics, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Harper Plastics, Inc., 6600 N. Lincoln Ave., Chicago, Ill. 60645. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 West Wayne St., Room 204, Fort Wayne, Ind. 46802.

No. MC 141461TA, filed October 31, 1975. Applicant: CITY DRESSED BEEF, INC., 1513 West Canal St., Milwaukee, Wis. 53233. Applicant's representative: Richard C. Alexander, 710 North Plankinton Ave., Milwaukee, Wis. 53203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Biscuits and crackers, and specialty snack foods*, moving in mixed loads with biscuits and crackers, from Carlstadt, Elizabeth and Passaic, N.J., and New York, N.Y., to Milwaukee, Wis., under a continuing contract with Milwaukee Biscuit Company, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Milwaukee Biscuit Company, Inc., 2120 West Florist Ave., Milwaukee, Wis. Send protests to: John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells St., Room 807, Milwaukee, Wis. 53203.

No. MC 141463TA, filed November 3, 1975. Applicant: J. C. DUNCAN CO., INC., 1212 Harrison Ave., Arlington, Tex. 76011. Applicant's representative: Billy R. Reid, 6108 Sharon Road, Fort Worth, Tex. 76116. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Garbage containers and bodies* with capacity of one cubic yard or greater, and garbage compaction equipment having capacity of one cubic yard or greater; (2) *Garbage compactors;* and (3) *Materials, equipment, and supplies* used in the manufacturer and distribution of garbage containers, bodies and garbage compactors, and the distribution of garbage, (1) from Arlington, Tex., to all points in the United States (except Alaska and Hawaii); (2) from Louisville, Ky., to Arlington, Tex., and (3) from all points in the United States (except Alaska and Hawaii), to Arlington, Tex., under a continuing contract with Grand Prairie Disposal Co., Inc.; Duncan Equipment Company, Inc., and Duncan Distributing, Inc., for 180 days. Supporting shippers: Grand Prairie Disposal Co., Inc., 1212 Harrison Ave., Arlington, Tex. 76011. Duncan Equipment Company, Inc., 1212 Harrison Ave., Arlington, Tex. 76011. Duncan Distributing, Inc., 1212 Harrison Ave., Arlington, Tex. 76011. Send protests to: H. C. Morrison, Sr., District Supervisor, Room 9A27 Federal Bldg., 819 Taylor St., Fort Worth, Tex. 76102.

Passenger Applications

No. MC 135288 (Sub-No. 5TA), filed November 3, 1975. Applicant: McGILL'S TAXI AND BUS LINES, INC., doing business as ASHEBORO COACH CO., 151 Sunset Ave., P.O. Box 626, Asheboro, N.C. 27203. Applicant's representative: Wilmer B. Hill, 805 McLachlen Bank

Bldg., 666 Eleventh St. N.W., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express, newspapers and mail*, in the same vehicle with passengers, between Asheboro, N.C., and Greensboro, N.C., serving all intermediate points and points in the commercial zones of Asheboro, N.C., and Greensboro, N.C., from Asheboro over U.S. Highway 220 to Greensboro and return over the same route. Applicant intends to interline at Asheboro and/or Greensboro to provide interstate service under part (1) for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately 8 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Archie W. Andrews, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 26896, Raleigh, N.C. 27611.

No. MC 141460 TA, filed October 29, 1975. Applicant: THE GRAY LINE TOURS, COMPANY, INC., 1207 West Third St., Los Angeles, Calif. 90017. Applicant's representative: Warren N. Grossman, 606 South Olive St., Suite 825, Los Angeles, Calif. 90014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, (1) special operations in round-trip sightseeing or pleasure passenger tours between points in Los Angeles and Orange Counties, Calif., and extending to port of entry along the United States-Mexico International Boundary Line at or near the southernmost terminus of Interstate Highway 5 in the state of California (San Ysidro, Calif.); (2) Round-trip charter passenger operations, between points in Los Angeles and Orange Counties, Calif., and extending to port of entry along the United States-Mexico International Boundary line at or near the southernmost terminus of Interstate Highway 5 in the state of California (San Ysidro, Calif.), for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximiately 13 statements of support attached to the application, which may be examined at the Interstate Commerce Commission, in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Mildred I. Price, Transportation Assistant, Interstate Commerce Commission, Room 1321 Federal Bldg., 300 North Los Angeles St., Los Angeles, Calif. 90012.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-30996 Filed 11-14-75;8:45 am]

[Notice 118]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

NOVEMBER 17, 1975.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before December 8, 1975. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-76024. By order entered November 11, 1975, the Motor Carrier Board approved the transfer to Data Moving & Storage Co., Inc., San Jose, Calif., of the authority set forth in License No. MC 19042 (Sub-No. 1), issued April 5, 1963, to Greyhound Van Lines, Inc., Bellevue, Wash., authorizing operations as a broker at Portland, Oreg., Seattle, Wash., and San Francisco, Oakland, and Los Angeles, Calif., in connection with the transportation by motor vehicle in interstate or foreign commerce of household goods as defined by the Commission between points in the United States (except points in Alaska and Hawaii). Alan F. Wohlstetter, 1700 K Street NW., Washington, D.C. 20006, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-30995 Filed 11-14-75;8:45 am]

[AB 14 (Sub-No. 1)]

NORTHWESTERN PACIFIC RAILROAD CO.

Abandonment Between Sebastiani and Sonoma in Sonoma County, Calif.

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available to the public upon request; and

It appearing, that no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et seq.; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Sonoma County, Calif., on or before November 17, 1975 and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this finding shall be given to the general public by depositing a copy of this order and the attached notice in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy of the notice to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to interested persons.

Dated at Washington, D.C., this 6th day of November, 1975.

By the Commission, Commissioner Brown.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[AB 14 (Sub-No. 1)]

NORTHWESTERN PACIFIC RAILROAD CO.

ABANDONMENT BETWEEN SEBASTIANI AND SONOMA IN SONOMA COUNTY, CALIFORNIA

The Interstate Commerce Commission hereby gives notice that by order dated November 6, 1975, it has been determined that the proposed abandonment of the Northwestern Pacific Railroad Company line extending 0.699 miles from milepost 44.248 near Sebastiani to milepost 44.947 near Sonoma in Sonoma County, Calif., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the diversion of traffic from this low density line to the Vineburg team track should not cause any substantial alterations in air and water quality and to transportation safety in the area. Also there are neither protests to the proposal nor economic-development plans which would necessitate continued service of this line. Furthermore, there is public interest expressed for the City of Sonoma's development of a bike trail and a "depot park" on a portion of the subject line's right-of-way.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-7966.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C., 20423, on or before November 26, 1975.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[FR Doc.75-30993 Filed 11-14-75;8:45 am]

[S.O. 1221, Exception 2]

SAN LUIS RAILROAD CO.

Car Service Exemption

It appearing, That The San Luis Railroad Company owns numerous refrigerator cars; that The San Luis Railroad Company has no present need for such cars; and that there is need for such cars by shippers located on the lines of other roads.

It is ordered, That pursuant to the authority vested in the Railroad Service Board by section (a), paragraph (1), part (vii) of Service Order No. 1221, empty cars of mechanical designation "RS" and "RB" bearing reporting marks owned by The San Luis Railroad Company (SLC), are exempt from the provisions of section (a), paragraphs (3) (i) and (4) (i) of Service Order No. 1221.

Effective: November 3, 1975.

Issued at Washington, D.C., November 3, 1975.

[SEAL] RAILROAD SERVICE BOARD,
R. D. PFAHLER,
Chairman.

[FR Doc.75-30990 Filed 11-14-75;8:45 am]

federal register

MONDAY, NOVEMBER 17, 1975

PART II:

ENVIRONMENTAL PROTECTION AGENCY

■

AIR PROGRAMS; STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

State Plans for the Control of Certain Pollutants from Existing Facilities

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 437-4]

PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

State Plans for the Control of Certain Pollutants From Existing Facilities

On October 7, 1974 (39 FR 36102), EPA proposed to add a new Subpart B to Part 60 to establish procedures and requirements for submittal of State plans for control of certain pollutants from existing facilities under section 111(d) of the Clean Air Act, as amended (42 U.S.C. 1857c-6(d)). Interested persons participated in the rulemaking by sending comments to EPA. A total of 45 comment letters was received, 19 of which came from industry, 16 from State and local agencies, 5 from Federal agencies, and 5 from other interested parties. All comments have been carefully considered, and the proposed regulations have been reassessed. A number of changes suggested in comments have been made, as well as changes developed within the Agency.

One significant change, discussed more fully below, is that different procedures and criteria will apply to submittal and approval of State plans where the Administrator determines that a particular pollutant may cause or contribute to the endangerment of public welfare, but that adverse effects on public health have not been demonstrated. Such a determination might be made, for example, in the case of a pollutant that damages crops but has no known adverse effect on public health. This change is intended to allow States more flexibility in establishing plans for the control of such pollutants than is provided for plans involving pollutants that may affect public health.

Most other changes were of a relatively minor nature and, aside from the change just mentioned, the basic concept of the regulations is unchanged. A number of provisions have been reworded to resolve ambiguities or otherwise clarify their meaning, and some were combined or otherwise reorganized to clarify and simplify the overall organization of Subpart B.

Background

When Congress enacted the Clean Air Amendments of 1970, it addressed three general categories of pollutants emitted from stationary sources. See Senate Report No. 91-1196, 91st Cong., 2d Sess. 18-19 (1970). The first category consists of pollutants (often referred to as "criteria pollutants") for which air quality criteria and national ambient air quality standards are established under sections 108 and 109 of the Act. Under the 1970 amendments, criteria pollutants are controlled by State implementation plans (SIP's) approved or promulgated under section 110 and, in some cases, by standards of performance for new sources established under section 111. The second category consists of pollutants listed as hazardous pollutants under section 112 and controlled under that section.

The third category consists of pollutants that are (or may be) harmful to public health or welfare but are not or cannot be controlled under sections 108-110 or 112. Section 111(d) requires control of existing sources of such pollutants whenever standards of performance (for those pollutants) are established under section 111(b) for new sources of the same type.

In determining which statutory approach is appropriate for regulation of a particular pollutant, EPA considers the nature and severity of the pollutant's effects on public health or welfare, the number and nature of its sources, and similar factors prescribed by the Act. Where a choice of approaches is presented, the regulatory advantages and disadvantages of the various options are also considered. As indicated above, section 111(d) requires control of existing sources of a pollutant if a standard of performance is established for new sources under section 111(b) and the pollutant is not controlled under sections 108-110 or 112. In general, this means that control under section 111(d) is appropriate when the pollutant may cause or contribute to endangerment of public health or welfare but is not known to be "hazardous" within the meaning of section 112 and is not controlled under sections 108-110 because, for example, it is not emitted from "numerous or diverse" sources as required by section 108.

For ease of reference, pollutants to which section 111(d) applies as a result of the establishment of standards of performance for new sources are defined in § 60.21(a) of the new Subpart B as "designated pollutants." Existing facilities which emit designated pollutants and which would be subject to the standards of performance for those pollutants, if new, are defined in § 60.21(b) as "designated facilities."

As indicated previously, the proposed regulations have been revised to allow States more flexibility in establishing plans where the Administrator determines that a designated pollutant may cause or contribute to endangerment of public welfare, but that adverse effects on public health have not been demonstrated. For convenience of discussion, designated pollutants for which the Administrator makes such a determination are referred to in this preamble as "welfare-related pollutants" (i.e., those requiring control solely because of their effects on public welfare). All other designated pollutants are referred to as "health-related pollutants."

To date, standards of performance have been established under section 111 of the Act for two designated pollutants—fluorides emitted from five categories of sources in the phosphate fertilizer industry (40 FR 33152, August 6, 1975) and sulfuric acid mist emitted from sulfuric acid production units (36 FR 24877, December 23, 1971). In addition, standards of performance have been proposed for fluorides emitted from primary aluminum plants (39 FR 37730, October 23, 1974), and final action on these standards will occur shortly. EPA will publish draft guideline documents (see next section) for these pollutants in the near future. Although a final decision has not been made, it is expected that sulfuric acid mist will be determined to be a health-related pollutant and that fluorides will be determined to be welfare-related.

Summary of Regulations

Subpart B provides that after a standard of performance applicable to emissions of a designated pollutant from new sources is promulgated, the Administrator will publish guideline documents containing information pertinent to control of the same pollutant from designated (i.e., existing) facilities [§ 60.22(a)]. The guideline documents will include "emission guidelines" (discussed below) and compliance times based on factors specified in § 60.22(b)(5) and will be made available for public comment in draft form before being published in final form. For health-related pollutants, the Administrator will concurrently propose and subsequently promulgate the emission guidelines and compliance times referred to above [§ 60.22(c)]. For welfare-related pollutants, emission guidelines and compliance times will appear only in the applicable guideline documents [§ 60.22(d)(1)].

The Administrator's determination that a designated pollutant is heath-related, welfare-related, or both and the rationale for the determination will be provided in the draft guideline document for that pollutant. In making this determination, the Administrator will consider such factors as: (1) Known and suspected effects of the pollutant on public health and welfare; (2) potential ambient concentrations of the pollutant; (3) generation of any secondary pollutants for which the designated pollutant may be a precursor; (4) any synergistic effect with other pollutants; and (5) potential effects from accumulation in the environment (e.g., soil, water and food chains). After consideration of comments and other information a final determination and rationale will be published in the final guidelines document.

For both health-related and welfare-related pollutants, emission guidelines will reflect the degree of control attainable with the application of the best systems of emission reduction which (considering the cost of such reduction) have been adequately demonstrated for designated facilities [§ 60.21(e)]. As discussed more fully below, the degree of control reflected in EPA's emission guidelines will take into account the costs of retrofitting existing facilities and thus will probably be less stringent than corresponding standards of performance for new sources.

After publication of a final guideline document for a designated pollutant, the States will have nine months to develop

and submit plans containing emission standards for control of that pollutant from designated facilities [§ 60.23(a)]. For health-related pollutants, State emission standards must ordinarily be at least as stringent as the corresponding EPA guidelines to be approvable [§ 60.24(c)]. However, States may apply less stringent standards to particular sources (or classes of sources) when economic factors or physical limitations specific to particular sources (or classes of sources) make such application significantly more reasonable [§ 60.24(f)]. For welfare-related pollutants, States may balance the emission guidelines and other information provided in EPA's guideline documents against other factors of public concern in establishing their emission standards, provided that appropriate consideration is given to the information presented in the guideline documents and at public hearings and that other requirements of Subpart B are met [§ 60.24(d)].

Within four months after the date required for submission of a plan, the Administrator will approve or disapprove the plan or portions thereof [§ 60.27(b)]. If a State plan (or portion thereof) is disapproved, the Administrator will promulgate a plan (or portion thereof) within 6 months after the date required for plan submission [§ 60.27(d)]. The plan submittal, approval/disapproval, and promulgation procedures are basically patterned after section 110 of the Act and 40 CFR Part 51 (concerning adoption and submittal of State implementation plans under section 110).

For health-related pollutants, the emission guidelines and compliance times referred to above will appear in a new Subpart C of Part 60. As indicated previously, emission guidelines and compliance times for welfare-related pollutants will appear only in the guideline documents published under § 60.22(a). Approvals and disapprovals of State plans and any plans (or portions thereof) promulgated by the Administrator will appear in a new Part 62.

COMMENTS RECEIVED ON PROPOSED REGULATIONS AND CHANGES MADE IN FINAL REGULATIONS

Many of the comment letters received by EPA contained multiple comments. The most significant comments and differences between the proposed and final regulations are discussed below. Copies of the comment letters and a summary of the comments with EPA's responses (entitled "Public Comment Summary: Section 111(d) Regulations") are available for public inspection and copying at the EPA Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street, SW., Washington, D.C. 20460. In addition, copies of the comment summary may be obtained upon written request from the EPA Public Information Center (PM-215), 401 M Street, SW., Washington, D.C. 20460 (specify "Public Comment Summary: Section 111(d) Regulations").

(1) *Definitions and basic concepts.* The term "emission limitation" as defined in proposed § 60.21(e) has apparently caused some confusion. As used in the proposal, the term was not intended to mean a legally enforceable national emission standard as some comments suggested. Indeed, the term was chosen in an attempt to avoid such confusion. EPA's rationale for using the emission limitation concept is presented below in the discussion of the basis for approval or disapproval of State plans. However, to emphasize that a legally enforceable standard is not intended, the term "emission limitation" has been replaced with the term "emission guideline" [see § 60.21(e)]. In addition, proposed § 60.27 (concerning publication of guideline documents and so forth) has been moved forward in the regulations (becoming § 60.22) to emphasize that publication of a final guideline document is the "trigger" for State action under subsequent sections of Subpart B [see § 60.23(a)].

Many commentators apparently confused the degree of control to be reflected in EPA's emission guidelines under section 111(d) with that to be required by corresponding standards of performance for new sources under section 111(b). Although the general principle (application of best adequately demonstrated control technology, considering costs) will be the same in both cases, the degrees of control represented by EPA's emission guidelines will ordinarily be less stringent than those required by standards of performance for new sources because the costs of controlling existing facilities will ordinarily be greater than those for control of new sources. In addition, the regulations have been amended to make clear that the Administrator will specify different emission guidelines for different sizes, types, and classes of designated facilities when costs of control, physical limitations, geographical location, and similar factors make subcategorization appropriate [§ 60.22(b)(5)]. Thus, while there may be only one standard of performance for new sources of designated pollutants, there may be several emission guidelines specified for designated facilities based on plant configuration, size, and other factors peculiar to existing facilities.

Some comments evidenced confusion regarding the relationship of affected facilities and designated facilities. An affected facility, as defined in § 60.2(e), is a new or modified facility subject to a standard of performance for new stationary sources. An existing facility [§ 60.2(aa)] is a facility of the same type as an affected facility, but one the construction of which commenced before the date of proposal of applicable standards of performance. A designated facility [§ 60.21(d)] is an existing facility which emits a designated pollutant.

A few industry comments argued that the proposed regulations would permit EPA to circumvent the legal and technical safeguards required under sections 108, 109, and 110 of the Act, sections which the commentators characterized as the basic statutory process for control of existing facilities. Congress clearly intended control of existing facilities under sections other than 108, 109, and 110. Sections 112 and 303 as well as 111(d) itself provide for control of existing facilities. Moreover, action under section 111(d) is subject to a number of significant safeguards: (1) Before acting under section 111(d) the Administrator must have found under section 111(b) that a source category may significantly contribute to air pollution which causes or contributes to the endangerment of public health or welfare, and this finding must be technically supportable; (2) EPA's emission guidelines will be developed in consultation with industrial groups and the National Air Pollution Control Techniques Advisory Committee, and they will be subject to public comment before they are adopted; (3) emission standards and other plan provisions must be subjected to public hearings prior to adoption; (4) relief is available under § 60.24(f) or § 60.27(e)(2) where application of emission standards to particular sources would be unreasonable; and (5) judicial review of the Administrator's action in approving or promulgating plans (or portions thereof) is available under section 307 of the Act.

A number of commentators suggested that special provisions for plans submitted under section 111(d) are unnecessary since existing facilities are covered by State implementation plans (SIPs) approved or promulgated under section 110 of the Act. By its own terms, however, section 111(d) requires the Administrator to prescribe regulations for section 111(d) plans. In addition, the pollutants to which section 111(d) applies (i.e., designated pollutants) are not controlled as such under the SIPs. Under section 110, the SIPs only regulate criteria pollutants; i.e., those for which national ambient air quality standards have been established under section 109 of the Act. By definition, designated pollutants are non-criteria pollutants [§ 60.21(a)]. Although some designated pollutants may occur in particulate as well as gaseous forms and thus may be controlled to some degree under SIP provisions requiring control of particulate matter, specific rather than incidental control of such pollutants is required by section 111(d). For these reasons, separate regulations are necessary to establish the framework for specific control of designated pollutants under section 111(d).

Comments of a similar nature argued that if there are demonstrable health and welfare effects from designated pollutants, either air quality criteria should be established and SIPs submitted under sections 108–110 of the Act, or the provisions of section 112 of the Act should be applied. Section 111(d) of the Act was specifically designed to require control of pollutants which are not presently considered "hazardous" within the meaning of section 112 and for which ambient air quality standards have not been promulgated. Health and welfare effects from these designated pollutants often cannot be quantified or are of such a nature that the effects are cumulative and not associated with any particular

ambient level. Quite often, health and welfare problems caused by such pollutants are highly localized and thus an extensive procedure, such as the SIPs require, is not justified. As previously indicated, Congress specifically recognized the need for control of a third category of pollutants; it also recognized that as additional information becomes available, these pollutants might later be reclassified as hazardous or criteria pollutants.

Other commentators reasoned that since designated pollutants are defined as non-criteria and non-hazardous pollutants, only harmless substances would fall within this category. These commentators argued that the Administrator should establish that a pollutant has adverse effects on public health or welfare before it could be regulated under section 111(d). Before acting under section 111(d), however, the Administrator must establish a standard of performance under section 111(b). In so doing, the Administrator must find under section 111(b) that the source category covered by such standards may contribute significantly to air pollution which causes or contributes to the endangerment of public health or welfare.

(2) *Basis for approval or disapproval of State plans.* A number of industry comments questioned EPA's authority to require, as a basis for approval of State plans, that the States establish emission standards that (except in cases of economic hardship) are equivalent to or more stringent than EPA's emission guidelines. In general, these comments argued that EPA has authority only to prescribe procedural requirements for adoption and submittal of State plans, leaving the States free to establish emission standards on any basis they deem necessary or appropriate. Most State comments expressed no objection to EPA's interpretation on this point, and a few explicitly endorsed it.

After careful consideration of these comments, EPA continues to believe, for reasons summarized below, that its interpretation of section 111(d) is legally correct. Moreover, EPA believes that its interpretation is essential to the effective implementation of section 111(d), particularly where health-related pollutants are involved. As discussed more fully below, however, EPA has decided that it is appropriate to allow States somewhat more flexibility in establishing plans for the control of welfare-related pollutants and has revised the proposed regulations accordingly.

Although section 111(d) does not specify explicit criteria for approval or disapproval of State plans, the Administrator must disapprove plans that are not "satisfactory" [Section 111(d)(2)(A)]. Appropriate criteria must therefore be inferred from the language and context of section 111(d) and from its legislative history. It seems clear, for example, that the Administrator must disapprove plans not adopted and submitted in accordance with the procedural requirements he prescribes under section 111(d), and none of the commentators questioned this concept. The principal questions, therefore, are whether Congress intended that the Administrator base approvals and disapprovals on substantive as well as procedural criteria and, if so, on what types of substantive criteria.

A brief summary of the legislative history of section 111(d) will facilitate discussion of these questions. Section 111(d) was enacted as part of the Clean Air Amendments of 1970. No comparable provision appeared in the House bill. The Senate bill, however, contained a section 114 that would have required the establishment of national emission standards for "selected air pollution agents." Although the term "selected air pollution agent" did not include pollutants that might affect public welfare [which are subject to control under section 111(d)], its definition otherwise corresponded to the description of pollutants to be controlled under section 111(d). Section 114 of the Senate bill was rewritten in conference to become section 111(d). Although the Senate report and debates include references to the intent of section 114, neither the conference report nor subsequent debates include any discussion of section 111(d) as finally enacted. In the absence of such discussion, EPA believes inferences concerning the legislative intent of section 111(d) may be drawn from the general purpose of section 114 of the Senate bill and from the manner in which it was rewritten in conference.

After a careful examination of section 111(d), its statutory context, and its legislative history, EPA believes the following conclusions may be drawn:

(1) As appears from the Senate report and debates, section 114 of the Senate bill was designed to address a specific problem. That problem was how to reduce emissions of pollutants which are (or may be) harmful to health but which, on the basis of information likely to be available in the near term, cannot be controlled under other sections of the Act as criteria pollutants or as hazardous pollutants. (It was made clear that such pollutants might be controlled as criteria or hazardous pollutants as more definitive information became available.) The approach taken in section 114 of the Senate bill was to require national emission standards designed to assure that emissions of such pollutants would not endanger health.

(2) The Committee of Conference chose to rewrite the Senate provision as part of section 111, which in effect requires maximum feasible control of pollutants from new stationary sources through technology-based standards (as opposed to standards designed to assure protection of health or welfare or both). For reasons summarized below, EPA believes this choice reflected a decision in conference that a similar approach (making allowances for the costs of controlling existing sources) was appropriate for the pollutants to be controlled under section 111(d).

(3) As reflected in the Senate report and debates, the pollutants to be controlled under section 114 of the Senate bill were considered a category distinct from the pollutants for which criteria documents had been written or might soon be written. In part, these pollutants differed from the criteria pollutants in that much less information was available concerning their effects on public health and welfare. For that reason, it would have been difficult—if not impossible—to prescribe legally defensible standards designed to protect public health or welfare for these pollutants until more definitive information became available. Yet the pollutants, by definition, were those which (although not criteria pollutants and not known to be hazardous) had or might be expected to have adverse effects on health.

(4) Under the circumstances, EPA believes, the conferees decided (a) that control of such pollutants on some basis was necessary; (b) that, given the relative lack of information on their health and welfare effects, a technology-based approach (similar to that for new sources) would be more feasible than one involving an attempt to set standards tied specifically to protection of health; and (c) that the technology-based approach (making allowances for the costs of controlling existing sources) was a reasonable means of attacking the problem until more definitive information became known, particularly because the States would be free under section 116 of the Act to adopt more stringent standardse if they believed additional control was desirable. In short, EPA believes the conferees chose to rewrite section 114 as part of section 111 largely because they intended the technology-based approach of that section to extend (making allowances for the costs of controlling existing sources) to action under section 111(d). In this view, it was unnecessary (although it might have been desirable) to specify explicit substantive criteria in section 111(d) because the intent to require a technology-based approach could be inferred from placement of the provision in section 111.

Related considerations support this interpretation of section 111(d). For example, section 111(d) requires the Administrator to prescribe a plan for a State that fails to submit a satisfactory plan. It is obvious that he could only prescribe standards on some substantive basis. The references to section 110 of the Act suggest that (as in section 110) he was intended to do generally what the States in such cases should have done, which in turn suggests that (as in section 110) Congress intended the States to prescribe standards on some substantive basis. Thus, it seems clear that some substantive criterion was intended to govern not only the Administrator's promulgation of standards but also his review of State plans.

Still other considerations support EPA's interpretation of section 111(d). Even a cursory examination of the legislative history of the 1970 amendments reveals that Congress was dissatisfied with air pollution control efforts at all levels

of government and was convinced that relatively drastic measures were necessary to protect public health and welfare. The result was a series of far-reaching amendments which, coupled with virtually unprecedented statutory deadlines, required EPA and the States to take swift and aggressive action. Although Congress left initial responsibility with the States for control of criteria pollutants under section 110, it set tough minimum criteria for such action and required Federal assumption of responsibility where State action was inadequate. It also required direct Federal action for control of new stationary sources, hazardous pollutants, and mobile sources. Finally, in an extraordinary departure from its practice of delegating rulemaking authority to administrative agencies (a departure intented to force the pace of pollution control efforts in the automobile industry), Congress itself enacted what amounted to statutory emission standards for the principal automotive pollutants.

Against this background of Congressional firmness, the overriding purpose of which was to protect public health and welfare, it would make no sense to interpret section 111(d) as requiring the Administrator to base approval or disapproval of State plans solely on procedural criteria. Under that interpretation, States could set extremely lenient standards—even standards permitting greatly increased emissions—so long as EPA's procedural requirements were met. Given that the pollutants in question are (or may be) harmful to public health and welfare, and that section 111(d) is the only provision of the Act requiring their control, it is difficult to believe that Congress meant to leave such a gaping loophole in a statutory scheme otherwise designed to force meaningful action.

Some of the comments on the proposed regulations assume that the States were intended to set emission standards based directly on protection of public health and welfare. EPA believes this view is consistent with its own view that the Administrator was intended to base approval or disapproval of State plans on substantive as well as procedural criteria but believes Congress intended a technology-based approach rather than one based directly on protection of health and welfare. The principal factors leading EPA to this conclusion are summarized above. Another is that if Congress had intended an approach based directly on protection of health and welfare, it could have rewritten section 114 of the Senate bill as part of section 110, which epitomizes that approach, rather than as part of section 111. Indeed, with relatively minor changes in language, Congress could simply have retained section 114 as a separate section requiring action based directly on protection of health and welfare.

Still another factor is that asking each of the States, many of which had limited resources and expertise in air pollution control, to set standards protective of health and welfare in the absence of adequate information would have made even less sense than requiring the Administrator to do so with the various resources at his command. Requiring a technology-based approach, on the other hand, would not only shift the criteria for decision-making to more solid ground (the availability and costs of control technology) but would also take advantage of the information and expertise available to EPA from its assessment of techniques for the control of the same pollutants from the same types of sources under section 111(b), as well as its power to compel submission of information about such techniques under section 114 of the Act (42 U.S.C. 1857c–9). Indeed, section 114 was made specifically applicable for the purpose (among others) of assisting in the development of State plans under section 111(d). For all of these reasons, EPA believes Congress intended a technology-based approach rather than one based directly on protection of health and welfare.

Some of the comments argued that EPA's emission guidelines under section 111(d) will, in effect, be national emission standards for existing sources, a concept they argue was rejected in section 111(d). In general, the comments rely on the fact that although section 114 of the Senate bill specifically provided for national emission standards, section 111(d) calls for establishment of emission standards by States. EPA believes that the rewriting of section 114 in conference is consistent with the establishment of national criteria by which to judge the adequacy of State plans, and that the approach taken in section 111(d) may be viewed as largely the result of two decisions: (1) To adopt a technology-based approach similar to that for new sources; and (2) to give States a greater role than was provided in section 114. Thus, States will have primary responsibility for developing and enforcing control plans under section 111(d); under section 114, they would only have been invited to seek a delegation of authority to enforce Federally developed standards. Under EPA's interpretation of section 111(d), States will also have authority to grant variances in cases of economic hardship; under section 114, only the Administrator would have had authority to grant such relief. As with section 110, assigning primary responsibility to the States in these areas is perfectly consistent with review of their plans on some substantive basis. If there is to be substantive review, there must be criteria for the review, and EPA believes it is desirable (if not legally required) that the criteria be made known in advance to the States, to industry, and to the general public. The emission guidelines, each of which will be subjected to public comment before final adoption, will serve this function.

In any event, whether or not Congress "rejected" the concept of national emission standards for existing sources, EPA's emission guidelines will not have the purpose or effect of national emission standards. As emphasized elsewhere in this preamble, they will not be requirements enforceable against any source. Like the national ambient air quality standards prescribed under section 109 and the items set forth in section 110(a)(2)(A)–(H), they will only be criteria for judging the adequacy of State plans.

Moreover, it is inaccurate to argue (as did one comment) that, because EPA's emission guidelines will reflect best available technology considering cost, States will be unable to set more stringent standards. EPA's emission guidelines will reflect its judgment of the degree of control that can be attained by various classes of existing sources without unreasonable costs. Particular sources within a class may be able to achieve greater control without unreasonable costs. Moreover, States that believe additional control is necessary or desirable will be free under section 116 of the Act to require more expensive controls, which might have the effect of closing otherwise marginal facilities, or to ban particular categories of sources outright. Section 60.24(g) has been added to clarify this point. On the other hand, States will be free to set more lenient standards, subject to EPA review, as provided in §§ 60.24(d) and (f) in the case of welfare-related pollutants and in cases of economic hardship.

Finally, as discussed elsewhere in this preamble, EPA's emission guidelines will reflect subcategorization within source categories where appropriate, taking into account differences in sizes and types of facilities and similar con- §§ 60.24 (d) and (f) in the case of wel- siderations, including differences in control costs that may be involved for sources located in different parts of the country. Thus, EPA's emission guidelines will in effect be tailored to what is reasonably achievable by particular classes of existing sources, and States will be free to vary from the levels of control represented by the emission guidelines in the ways mentioned above. In most if not all cases, the result is likely to be substantial variation in the degree of control required for particular sources, rather than identical standards for all sources.

In summary, EPA believes section 111(d) is a hybrid provision, intended to combine primary State responsibility for plan development and enforcement (as in section 110) with the technology-based approach (making allowances for the costs of controlling existing sources) taken in section 111 generally. As indicated above, EPA believes its interpretation of section 111(d) is legally correct in view of the language, statutory context, and legislative history of the provision.

Even assuming some other interpretation were permissible, however, EPA believes its interpretation is essential to the effective implementation of section 111(d), particularly where health-related pollutants are involved. Most of the reasons for this conclusion are discussed above, but it may be useful to summarize them here. Given the relative lack of information concerning the effects of designated pollutants on public health and welfare, it would be

difficult—if not impossible—for the States or EPA to prescribe legally defensible standards based directly on protection of health and welfare. By contrast, a technology-based approach takes advantage of the information and expertise available to EPA from its assessment of techniques for the control of the same pollutants from the same types of sources under section 111(b), as well as EPA's power to compel submission of information about such techniques under section 114 of the Act. Given the variety of circumstances that may be encountered in controlling existing as opposed to new sources, it makes sense to have the States develop plans based on technical information provided by EPA and make judgments, subject to EPA review, concerning the extent to which less stringent requirements are appropriate. Finally, EPA review of such plans for their substantive adequacy is essential (particularly for health-related pollutants) to assure that meaningful controls will be imposed. For these reasons, given a choice of permissible interpretations of section 111(d), EPA would choose the interpretation on which Subpart B is based on the ground that it is essential to the effective implementation of the provision, particularly where health-related pollutants are involved.

As indicated previously, however, EPA has decided that it is appropriate to allow the States more flexibility in establishing plans for the control of welfare-related pollutants than is provided for plans involving health-related pollutants. Accordingly, the proposed regulations have been revised to provide that States may balance the emission guidelines, compliance times and other information in EPA's guideline documents against other factors in establishing emission standards, compliance schedules, and variances for welfare-related pollutants, provided that appropriate consideration is given to the information presented in the guideline documents and at public hearings, and that all other requirements of Subpart B are met [§ 60.24(d)]. Where sources of pollutants that cause only adverse effects to crops are located in nonagricultural areas, for example, or where residents of a local community depend on an economically marginal plant for their livelihood, such factors could be taken into account. Consistent with section 116 of the Act, of course, States will remain free to adopt requirements as stringent as (or more stringent than) the corresponding emission guidelines and compliance times specified in EPA's guideline documents if they wish [see § 60.24(g)].

A number of factors influenced EPA's decision to allow States more flexibility in establishing plans for control of welfare-related pollutants than is provided for plans involving health-related pollutants. The dominant factor, of course, is that effects on public health would not be expected to occur in such cases, even if State plans required no greater controls than are presently in effect. In a sense, allowing the States greater latitude in such cases simply reflects EPA's view (stated in the preamble to the proposed regulations) that requiring maximum feasible control of designated pollutants may be unreasonable in some situations. Although pollutants that cause only damage to vegetation, for example, are subject to control under section 111(d), few would argue that requiring maximum feasible control is as important for such pollutants as it is for pollutants that endanger public health.

This fundamental distinction—between effects on public health and effects on public welfare—is reflected in section 110 of the Act, which requires attainment of national air quality standards that protect public health within a certain time (regardless of economic and social consequences) but requires attainment of national standards that protect public welfare only within "a reasonable time." The significance of this distinction is reflected in the legislative history of section 110; and the legislative history of section 111(d), although inconclusive, suggests that its primary purpose was to require control of pollutants that endanger public health. For these reasons, EPA believes it is both permissible under section 111(d) and appropriate as a matter of policy to approve State plans requiring less than maximum feasible control of welfare-related pollutants where the States wish to take into account considerations other than technology and cost.

On the other hand, EPA believes section 111(d) requires maximum feasible control of welfare-related pollutants in the absence of such considerations and will disapprove plans that require less stringent control without some reasoned explanation. For similar reasons, EPA will promulgate plans requiring maximum feasible control if States fail to submit satisfactory plans for welfare-related pollutants [§ 60.27(e)(1).] Under § 60.27(e)(2), however, relief will still be available for particular sources where economic hardship can be shown.

(3) *Variances.* One comment asserted that neither the letter nor the intent of section 111 allows variances from plan requirements based on application of best adequately demonstrated control systems. Although section 111(d) does not explicitly provide for variances, it does require consideration of the cost of applying standards to existing facilities. Such a consideration is inherently different than for new sources, because controls cannot be included in the design of an existing facility and because physical limitations may make installation of particular control systems impossible or unreasonably expensive in some cases. For these reasons, EPA believes the provision [§ 60.24(f)] allowing States to grant relief in cases of economic hardship (where health-related pollutants are involved) is permissible under section 111(d). For the same reasons, language has been included in § 60.24(d) to make clear that variances are also permissible where welfare-related pollutants are involved, although the flexibility provided by that provision may make variances unnecessary.

Several commentators urged that proposed § 60.23(e) [now § 60.24(f)] be amended to indicate that States are not required to consider applications for variances if they do not feel it appropriate to do so. The commentators contended that the proposed wording would invite applications for variances, would allow sources to delay compliance by submitting such applications, might conflict with existing State laws, and would probably impose significant burdens on State and local agencies. In addition, there is some question whether the mandatory review provision as proposed would be consistent with section 116 of the Act, which makes clear that States are free to adopt and enforce standards more stringent than Federal standards. Accordingly, the proposed wording has been amended to permit, but not require, State review of facilities for the purpose of applying less stringent standards. To give the States more flexibility, § 60.24(f) has also been amended to permit variances for particular classes of sources as well as for particular sources.

Other comments requested that EPA make clear whether proposed § 60.23(e) [now § 60.24(f)] would allow permanent variances or whether EPA intends ultimate compliance with the emission standards that would apply in the absence of variances. Section 60.24(f) is intended to utilize existing State variance procedures as much as possible. Thus it is up to the States to decide whether less stringent standards are to be applied permanently or whether ultimate compliance will be required.

Another commentator suggested that compliance with or satisfactory progress toward compliance with an existing State emission standard should be a sufficient reason for applying a less stringent standard under § 60.24(f). Such compliance is not necessarily sufficient because existing standards have not always been developed with the intention of requiring maximum feasible control. As indicated in the preamble to the proposed regulations, however, if an existing State emission standard is relatively close to the degree of control that would otherwise be required, and the cost of additional control would be relatively great, there may be justification to apply a less stringent standard under § 60.24(f).

One thoughtful comment suggested that consideration of variances under Subpart B could in effect undermine related SIP requirements; e.g., where designated pollutants occur in particulate forms and are thus controlled to some extent under SIP requirements applicable to particulate matter. Nothing in section 111(d) or Subpart B, however, will preempt SIP requirements. In the event of a conflict, protection of health and welfare under section 110 must control.

(4) *Public hearing requirement.* Based on comments that the requirement for a public hearing on the plan in each AQCR

containing a designated facility is too burdensome, the proposed regulation has been amended to require only one hearing per State per plan. While the Agency advocates public participation in environmental rulemaking, it also recognizes the expense and effort involved in holding multiple hearings. States are urged to hold as many hearings as practicable to assure adequate opportunity for public participation. The hearing requirements have also been amended to provide that a public hearing is not required in those States which have an existing emission standard that was adopted after a public hearing and is at least as stringent as the corresponding EPA emission guidelines, and to permit approval of State notice and hearing procedures different than those specified in Subpart B in some cases.

(5) *Compliance schedules.* The proposed regulation required that all compliance schedules be submitted with the plan. Several commentators suggested that this requirement would not allow sufficient time for negotiation of schedules and could cause duplicative work if the emission standards were not approved. For this reason a new § 60.24 (e)(2) has been added to allow submission of compliance schedules after plan submission but no later than the date of the first semiannual report required by § 60.25(e).

(6) *Existing regulations.* Several comments dealt with States which have existing emission standards for designated pollutants. One commentator urged that such States be exempted from the requirements of adopting and submitting plans. However, the Act requires EPA to evaluate both the adequacy of a State's emission standards and the procedural aspects of the plan. Thus, States with existing regulations must submit plans.

Another commentator suggested that the Administrator should approve existing emission standards which, because they are established on a different basis (e.g., concentration standards vs. process-weight-rate type standards), are more stringent than the corresponding EPA emission guideline for some facilities and less stringent for others. The Agency cannot grant blanket approval for such emission standards; however, the Administrator may approve that part of an emission standard which is equal to or more stringent than the EPA emission guideline and disapprove that portion which is less stringent. Also, the less stringent portions may be approvable in some cases under § 60.24 (d) or (f). Finally, subcategorization by size of source under § 60.22(b)(5) will probably limit the number of cases in which this situation will arise.

Other commentators apparently assumed that some regulations for designated pollutants were approved in the State implementation plans (SIPs). Although some States may have submitted regulations limiting emissions of designated pollutants with the SIPs, such regulations were not considered in the approval or disapproval of those plans and are not considered part of approved plans because, under section 110, SIPs, apply only to criteria pollutants.

(7) *Emission inventory data and reports.* Section 60.24 of the proposed regulations [now § 60.25] required emission inventory data to be submitted on data forms which the Administrator was to specify in the future. It was expected that a computerized subsystem to the National Emission Data System (NEDS) would be available that would accommodate emission inventory information on the designated pollutants. However, since this subsystem and concomitant data form will probably not be developed and approved in time for plan development, the designated pollutant information called for will not be required in computerized data format. Instead, the States will be permitted to submit this information in a non-computerized format as outlined in a new Appendix D along with the basic facility information on NEDS forms (OMB #158–R0095) according to procedures in APTD 1135, "Guide for Compiling a Comprehensive Emission Inventory" available from the Air Pollution Technical Information Center, Environmental Protection Agency, Research Triangle Park, North Carolina 27711. In addition, § 60.25(f)(5) has been amended to require submission of additional information with the semiannual reports in order to provide a better tracking mechanism for emission inventory and compliance monitoring purposes.

(8) *Timing.* Proposed § 60.27(a) required proposal of emission guidelines for designated pollutants simultaneously with proposal of corresponding standards of performance for new (affected) facilities. This section, redesignated § 60.22, has been amended to require proposal (or publication for public comment) of an emission guideline after promulgation of the corresponding standard of performance. Two written comments and several informal comments from industrial representatives indicated that more time was needed to evaluate a standard of performance and the corresponding emission guideline than would be allowed by simultaneous proposal and promulgation. Also, by proposing (or publishing) an emission guideline after promulgation of the corresponding standard of performance, the Agency can benefit from the comments on the standard of performance in developing the emission guideline.

Proposed § 60.27(a) required proposal of sulfuric acid mist emission guidelines within 30 days after promulgation of Subpart B. This provision was included as an exception to the proposed general rule (requiring simultaneous proposal of emission guidelines and standards of performance) because it was impossible to propose the acid mist emission guideline simultaneously with the corresponding standard of performance, which had been promulgated previously. The change in the general rule, discussed above, makes the proposed exception unnecessary, so it has been deleted. As previously stated, the Agency intends to establish emission guidelines for sulfuric acid mist [and for fluorides, for which new source standards were promulgated (40 FR 33152) after proposal of Subpart B] as soon as possible.

(9) *Miscellaneous.* Several commentators argued that the nine months provided for development of State plans after promulgation of an emission guideline by EPA would be insufficient. In most cases, much of the work involved in plan development, such as emission inventories, can be begun when an emission guideline is proposed (or published for comment) by EPA; thus, several additional months will be gained. Extensive control strategies are not required, and after the first plan is submitted, submitted, subsequent plans will mainly consist of adopted emission standards. Section 111(d) plans will be much less complex than the SIPs, and Congress provided only nine months for SIP development. Also, States may already have approvable procedures and legal authority [see §§ 60.25(d) and 60.26(b)], and the number of designated facilities per State should be few. For these reasons, the nine-month provision has been retained.

Some comments recommended that the requirements for adoption and submittal of section 111(d) plans appear in 40 CFR Part 51 or in some part of 40 CFR other than Part 60, to allow differentiation among such requirements, emission guidelines, new source standards and plans promulgated by EPA. The Agency believes that the section 111(d) requirements neither warrant a separate part nor should appear in Part 51, since Part 51 concerns control under section 110 of the Act. For clarity, however, subpart B of Part 60 will contain the requirements for adoption and submittal of section 111(d) plans; Subpart C of Part 60 will contain emission guidelines and times for compliance promulgated under § 60.22 (c); and a new Part 62 will be used for approval or disapproval of section 111(d) and for plans (or portions thereof) promulgated by EPA where State plans are disapproved in whole or in part.

Two comments suggested that the plans should specify test methods and procedures to be used in demonstrating compliance with the emission standards. Only when such procedures and methods are known can the stringency of the emission standard be determined. Accordingly, this change has been included in § 60.24(b).

A new § 60.29 has been added to make clear that the Administrator may revise plan provisions he has promulgated under § 60.27(d), and § 60.27(e) has been revised to make clear that he will consider applications for variances from emission standards promulgated by EPA.

Effective Date. These regulations become effective on December 17, 1975.

(Sections 111, 114, and 301 of the Clean Air Act, as amended by sec. 4(a) of Pub. L. 91–604, 84 Stat. 1678, and by sec. 15(c)(2) of Pub. L. 91–604, 84 Stat. 1713 (42 U.S.C. 1857c–6, and 1857c–9, 1857g).

Dated: November 5, 1975.

JOHN QUARLES,
Acting Administrator.

Part 60 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

1. The table of sections for Part 60 is amended by adding a list of sections for Subpart B and by adding Appendix D to the list of appendixes as follows:

* * * * *

Subpart B—Adoption and Submittal of State Plans for Designated Facilities

Sec.
60.20 Applicability.
60.21 Definitions.
60.22 Publication of guideline documents, emission guidelines, and final compliance times.
60.23 Adoption and submittal of State plans; public hearings.
60.24 Emission standards and compliance schedules.
60.25 Emission inventories, source surveillance, reports.
60.26 Legal authority.
60.27 Actions by the Administrator.
60.28 Plan revisions by the State.
60.29 Plan revisions by the Administrator.

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APPENDIX D—REQUIRED EMISSION INVENTORY INFORMATION

2. The authority citation at the end of the table of sections for Part 60 is revised to read as follows:

AUTHORITY: Secs. 111 and 114 of the Clean Air Act, as amended by sec. 4(a) of Pub. L. 91-604, 84 Stat. 1678 (42 U.S.C. 1857c-6, 1857c-9). Subpart B also issued under sec. 301(a) of the Clean Air Act, as amended by sec. 15(c)(2) of Pub. L. 91-604, 84 Stat. 1713 (42 U.S.C. 1857g).

3. Section 60.1 is revised to read as follows:

§ 60.1 Applicability.

Except as provided in Subparts B and C, the provisions of this part apply to the owner or operator of any stationary source which contains an affected facility, the construction or modification of which is commenced after the date of publication in this part of any standard (or, if earlier, the date of publication of any proposed standard) applicable to that facility.

4. Part 60 is amended by adding Subpart B as follows:

Subpart B—Adoption and Submittal of State Plans for Designated Facilities

§ 60.20 Applicability.

The provisions of this subpart apply to States upon publication of a final guideline document under § 60.22(a).

§ 60.21 Definitions.

Terms used but not defined in this subpart shall have the meaning given them in the Act and in subpart A:

(a) "Designated pollutant" means any air pollutant, emissions of which are subject to a standard of performance for new stationary sources but for which air quality criteria have not been issued, and which is not included on a list published under section 108(a) or section 112(b)(1)(A) of the Act.

(b) "Designated facility" means any existing facility (see § 60.2(aa)) which emits a designated pollutant and which would be subject to a standard of performance for that pollutant if the existing facility were an affected facility (see § 60.2(e)).

(c) "Plan" means a plan under section 111(d) of the Act which establishes emission standards for designated pollutants from designated facilities and provides for the implementation and enforcement of such emission standards.

(d) "Applicable plan" means the plan, or most recent revision thereof, which has been approved under § 60.27(b) or promulgated under § 60.27(d).

(e) "Emission guideline" means a guideline set forth in subpart C of this part, or in a final guideline document published under § 60.22(a), which reflects the degree of emission reduction achievable through the application of the best system of emission reduction which (taking into account the cost of such reduction) the Administrator has determined has been adequately demonstrated for designated facilities.

(f) "Emission standard" means a legally enforceable regulation setting forth an allowable rate of emissions into the atmosphere, or prescribing equipment specifications for control of air pollution emissions.

(g) "Compliance schedule" means a legally enforceable schedule specifying a date or dates by which a source or category or sources must comply with specific emission standards contained in a plan or with any increments of progress to achieve such compliance.

(h) "Increments of progress" means steps to achieve compliance which must be taken by an owner or operator of a designated facility, including:

(1) Submittal of a final control plan for the designated facility to the appropriate air pollution control agency;

(2) Awarding of contracts for emission control systems or for process modifications, or issuance of orders for the purchase of component parts to accomplish emission control or process modification.

(3) Initiation of on-site construction or installation of emission control equipment or process change;

(4) Completion of on-site construction or installation of emission control equipment or process change; and

(5) Final compliance.

(i) "Region" means an air quality control region designated under section 107 of the Act and described in Part 81 of this chapter.

(j) "Local agency" means any local governmental agency.

§ 60.22 Publication of guideline documents, emission guidelines, and final compliance times.

(a) After promulgation of a standard of performance for the control of a designated pollutant from affected facilities, the Administrator will publish a draft guideline document containing information pertinent to control of the designated pollutant from designated facilities. Notice of the availability of the draft guideline document will be published in the FEDERAL REGISTER, and public comments on its contents will be invited. After consideration of public comments, a final guideline document will be published and notice of its availability will be published in the FEDERAL REGISTER.

(b) Guideline documents published under this section will provide information for the development of State plans, such as:

(1) Information concerning known or suspected endangerment of public health or welfare caused, or contributed to, by the designated pollutant.

(2) A description of systems of emission reduction which, in the judgment of the Administrator, have been adequately demonstrated.

(3) Information on the degree of emission reduction which is achievable with each system, together with information on the costs and environmental effects of applying each system to designated facilities.

(4) Incremental periods of time normally expected to be necessary for the design, installation, and startup of identified control systems.

(5) An emission guideline that reflects the application of the best system of emission reduction (considering the cost of such reduction) that has been adequately demonstrated for designated facilities, and the time within which compliance with emission standards of equivalent stringency can be achieved. The Administrator will specify different emission guidelines or compliance times or both for different sizes, types, and classes of designated facilities when costs of control, physical limitations, geographical location, or similar factors make subcategorization appropriate.

(6) Such other available information as the Administrator determines may contribute to the formulation of State plans.

(c) Except as provided in paragraph (d)(1) of this section, the emission guidelines and compliance times referred to in paragraph (b)(5) of this section will be proposed for comment upon publication of the draft guideline document, and after consideration of comments will be promulgated in Subpart C of this part with such modifications as may be appropriate.

(d)(1) If the Administrator determines that a designated pollutant may cause or contribute to endangerment of public welfare, but that adverse effects on public health have not been demonstrated, he will include the determination in the draft guideline document and in the FEDERAL REGISTER notice of its availability. Except as provided in paragraph (d)(2) of this section, paragraph (c) of this section shall be inapplicable in such cases.

(2) If the Administrator determines at any time on the basis of new information that a prior determination under paragraph (d)(1) of this section is incorrect or no longer correct, he will publish notice of the determination in the FEDERAL REGISTER, revise the guideline document as necessary under paragraph (a) of this section, and propose and promulgate emission guidelines and compliance times under paragraph (c) of this section.

§ 60.23 Adoption and submittal of State plans; public hearings.

(a)(1) Within nine months after notice of the availability of a final guideline document is published under § 60.22(a), each State shall adopt and submit to the Administrator, in accordance with § 60.4, a plan for the control of the designated pollutant to which the guideline document applies.

(2) Within nine months after notice of the availability of a final revised guideline document is published as provided in § 60.22(d)(2), each State shall adopt and submit to the Administrator any plan revision necessary to meet the requirements of this subpart.

(b) If no designated facility is located within a State, the State shall submit a letter of certification to that effect to the Administrator within the time specified in paragraph (a) of this section. Such certification shall exempt the State from the requirements of this subpart for that designated pollutant.

(c)(1) Except as provided in paragraphs (c)(2) and (c)(3) of this section, the State shall, prior to the adoption of any plan or revision thereof, conduct one or more public hearings within the State on such plan or plan revision.

(2) No hearing shall be required for any change to an increment of progress in an approved compliance schedule unless the change is likely to cause the facility to be unable to comply with the final compliance date in the schedule.

(3) No hearing shall be required on an emission standard in effect prior to the effective date of this subpart if it was adopted after a public hearing and is at least as stringent as the corresponding emission guideline specified in the applicable guideline document published under § 60.22(a).

(d) Any hearing required by paragraph (c) of this section shall be held only after reasonable notice. Notice shall be given at least 30 days prior to the date of such hearing and shall include:

(1) Notification to the public by prominently advertising the date, time, and place of such hearing in each region affected;

(2) Availability, at the time of public announcement, of each proposed plan or revision thereof for public inspection in at least one location in each region to which it will apply;

(3) Notification to the Administrator;

(4) Notification to each local air pollution control agency in each region to which the plan or revision will apply; and

(5) In the case of an interstate region, notification to any other State included in the region.

(e) The State shall prepare and retain, for a minimum of 2 years, a record of each hearing for inspection by any interested party. The record shall contain, as a minimum, a list of witnesses together with the text of each presentation.

(f) The State shall submit with the plan or revision:

(1) Certification that each hearing required by paragraph (c) of this section was held in accordance with the notice required by paragraph (d) of this section; and

(2) A list of witnesses and their organizational affiliations, if any, appearing at the hearing and a brief written summary of each presentation or written submission.

(g) Upon written application by a State agency (through the appropriate Regional Office), the Administrator may approve State procedures designed to insure public participation in the matters for which hearings are required and public notification of the opportunity to participate if, in the judgment of the Administrator, the procedures, although different from the requirements of this subpart, in fact provide for adequate notice to and participation of the public. The Administrator may impose such conditions on his approval as he deems necessary. Procedures approved under this section shall be deemed to satisfy the requirements of this subpart regarding procedures for public hearings.

§ 60.24 Emission standards and compliance schedules.

(a) Each plan shall include emission standards and compliance schedules.

(b)(1) Emission standards shall prescribe allowable rates of emissions except when it is clearly impracticable. Such cases will be identified in the guideline documents issued under § 60.22. Where emission standards prescribing equipment specifications are established, the plan shall, to the degree possible, set forth the emission reductions achievable by implementation of such specifications, and may permit compliance by the use of equipment determined by the State to be equivalent to that prescribed.

(2) Test methods and procedures for determining compliance with the emission standards shall be specified in the plan. Methods other than those specified in Appendix A to this part may be specified in the plan if shown to be equivalent or alternative methods as defined in § 60.2(t) and (u).

(3) Emission standards shall apply to all designated facilities within the State. A plan may contain emission standards adopted by local jurisdictions provided that the standards are enforceable by the State.

(c) Except as provided in paragraph (f) of this section, where the Administrator has determined that a designated pollutant may cause or contribute to endangerment of public health, emission standards shall be no less stringent than the corresponding emission guideline(s) specified in subpart C of this part, and final compliance shall be required as expeditiously as practicable but no later than the compliance times specified in Subpart C.

(d) Where the Administrator has determined that a designated pollutant may cause or contribute to endangerment of public welfare but that adverse effects on public health have not been demonstrated, States may balance the emission guidelines, compliance times, and other information provided in the applicable guideline document against other factors of public concern in establishing emission standards, compliance schedules, and variances. Appropriate consideration shall be given to the factors specified in § 60.22(b) and to information presented at the public hearing(s) conducted under § 60.23(c).

(e)(1) Any compliance schedule extending more than 12 months from the date required for submittal of the plan shall include legally enforceable increments of progress to achieve compliance for each designated facility or category of facilities. Increments of progress shall include, where practicable, each increment of progress specified in § 60.21(h) and shall include such additional increments of progress as may be necessary to permit close and effective supervision of progress toward final compliance.

(2) A plan may provide that compliance schedules for individual sources or categories of sources will be formulated after plan submittal. Any such schedule shall be the subject of a public hearing held according to § 60.23 and shall be submitted to the Administrator within 60 days after the date of adoption of the schedule but in no case later than the date prescribed for submittal of the first semiannual report required by § 60.25(e).

(f) On a case-by-case basis for particular designated facilities, or classes of facilities, States may provide for the application of less stringent emission standards or longer compliance schedules than those otherwise required by paragraph (c) of this section, provided that the State demonstrates with respect to each such facility (or class of facilities):

(1) Unreasonable cost of control resulting from plant age, location, or basic process design;

(2) Physical impossibility of installing necessary control equipment; or

(3) Other factors specific to the facility (or class of facilities) that make application of a less stringent standard or final compliance time significantly more reasonable.

(g) Nothing in this subpart shall be construed to preclude any State or political subdivision thereof from adopting or enforcing (1) emission standards more stringent than emission guidelines specified in subpart C of this part or in applicable guideline documents or (2) compliance schedules requiring final compliance at earlier times than those specfied in subpart C or in applicable guideline documents.

§ 60.25 Emission inventories, source surveillance, reports.

(a) Each plan shall include an inventory of all designated facilities, including emission data for the designated pollutants and information related to emissions as specified in Appendix D to this part. Such data shall be summarized in the plan, and emission rates of designated pollutants from designated facilities shall be correlated with applicable emission standards. As used in this subpart, "correlated" means presented in such a manner as to show the relationship between measured or estimated amounts of emissions and the amounts of such emissions

allowable under applicable emission standards.

(b) Each plan shall provide for monitoring the status of compliance with applicable emission standards. Each plan shall, as a minimum, provide for:

(1) Legally enforceable procedures for requiring owners or operators of designated facilities to maintain records and periodically report to the State information on the nature and amount of emissions from such facilities, and/or such other information as may be necessary to enable the State to determine whether such facilities are in compliance with applicable portions of the plan.

(2) Periodic inspection and, when applicable, testing of designated facilities.

(c) Each plan shall provide that information obtained by the State under paragraph (b) of this section shall be correlated with applicable emission standards (see § 60.25(a)) and made available to the general public.

(d) The provisions referred to in paragraphs (b) and (c) of this section shall be specifically identified. Copies of such provisions shall be submitted with the plan unless:

(1) They have been approved as portions of a preceding plan submitted under this subpart or as portions of an implementation plan submitted under section 110 of the Act, and

(2) The State demonstrates:

(i) That the provisions are applicable to the designated pollutant(s) for which the plan is submitted, and

(ii) That the requirements of § 60.26 are met.

(e) The State shall submit reports on progress in plan enforcement to the Administrator on a semiannual basis, commencing with the first full report period after approval of a plan or after promulgation of a plan by the Administrator. The semiannual periods are January 1–June 30 and July 1–December 31. Information required under this paragraph shall be included in the semiannual reports required by § 51.7 of this chapter.

(f) Each progress report shall include:

(1) Enforcement actions initiated against designated facilities during the reporting period, under any emission standard or compliance schedule of the plan.

(2) Identification of the achievement of any increment of progress required by the applicable plan during the reporting period.

(3) Identification of designated facilities that have ceased operation during the reporting period.

(4) Submission of emission inventory data as described in paragraph (a) of this section for designated facilities that were not in operation at the time of plan development but began operation during the reporting period.

(5) Submission of additional data as necessary to update the information submitted under paragraph (a) of this section or in previous progress reports.

(6) Submission of copies of technical reports on all performance testing on designated facilities conducted under paragraph (b)(2) of this section, complete with concurrently recorded process data.

§ 60.26 Legal authority.

(a) Each plan shall show that the State has legal authority to carry out the plan, including authority to:

(1) Adopt emission standards and compliance schedules applicable to designated facilities.

(2) Enforce applicable laws, regulations, standards, and compliance schedules, and seek injunctive relief.

(3) Obtain information necessary to determine whether designated facilities are in compliance with applicable laws, regulations, standards, and compliance schedules, including authority to require recordkeeping and to make inspections and conduct tests of designated facilities.

(4) Require owners or operators of designated facilities to install, maintain, and use emission monitoring devices and to make periodic reports to the State on the nature and amounts of emissions from such facilities; also authority for the State to make such data available to the public as reported and as correlated with applicable emission standards.

(b) The provisions of law or regulations which the State determines provide the authorities required by this section shall be specifically identified. Copies of such laws or regulations shall be submitted with the plan unless:

(1) They have been approved as portions of a preceding plan submitted under this subpart or as portions of an implementation plan submitted under section 110 of the Act, and

(2) The State demonstrates that the laws or regulations are applicable to the designated pollutant(s) for which the plan is submitted.

(c) The plan shall show that the legal authorities specified in this section are available to the State at the time of submission of the plan. Legal authority adequate to meet the requirements of paragraphs (a)(3) and (4) of this section may be delegated to the State under section 114 of the Act.

(d) A State governmental agency other than the State air pollution control agency may be assigned responsibility for carrying out a portion of a plan if the plan demonstrates to the Administrator's satisfaction that the State governmental agency has the legal authority necessary to carry out that portion of the plan.

(e) The State may authorize a local agency to carry out a plan, or portion thereof, within the local agency's jurisdiction if the plan demonstrates to the Administrator's satisfaction that the local agency has the legal authority necessary to implement the plan or portion thereof, and that the authorization does not relieve the State of responsibility under the Act for carrying out the plan or portion thereof.

§ 60.27 Actions by the Administrator.

(a) The Administrator may, whenever he determines necessary, extend the period for submission of any plan or plan revision or portion thereof.

(b) After receipt of a plan or plan revision, the Administrator will propose the plan or revision for approval or disapproval. The Administrator will, within four months after the date required for submission of a plan or plan revision, approve or disapprove such plan or revision or each portion thereof.

(c) The Administrator will, after consideration of any State hearing record, promptly prepare and publish proposed regulations setting forth a plan, or portion thereof, for a State if:

(1) The State fails to submit a plan within the time prescribed;

(2) The State fails to submit a plan revision required by § 60.23(a)(2) within the time prescribed; or

(3) The Administrator disapproves the State plan or plan revision or any portion thereof, as unsatisfactory because the requirements of this subpart have not been met.

(d) The Administrator will, within six months after the date required for submission of a plan or plan revision, promulgate the regulations proposed under paragraph (c) of this section with such modifications as may be appropriate unless, prior to such promulgation, the State has adopted and submitted a plan or plan revision which the Administrator determines to be approvable.

(e)(1) Except as provided in paragraph (e)(2) of this section, regulations proposed and promulgated by the Administrator under this section will prescribe emission standards of the same stringency as the corresponding emission guideline(s) specified in the final guideline document published under § 60.22(a) and will require final compliance with such standards as expeditiously as practicable but no later than the times specified in the guideline document.

(2) Upon application by the owner or operator of a designated facility to which regulations proposed and promulgated under this section will apply, the Administrator may provide for the application of less stringent emission standards or longer compliance schedules than those otherwise required by this section in accordance with the criteria specified in § 60.24(f).

(f) If a State failed to hold a public hearing as required by § 60.23(c), the Administrator will provide opportunity for a hearing within the State prior to promulgation of a plan under paragraph (d) of this section.

§ 60.28 Plan revisions by the State.

(a) Plan revisions which have the effect of delaying compliance with applicable emission standards or increments of progress or of establishing less stringent emission standards shall be submitted to the Administrator within 60 days after adoption in accordance with the procedures and requirements applicable to development and submission of the original plan.

(b) More stringent emission standards, or orders which have the effect of ac-

celerating compliance, may be submitted to the Administrator as plan revisions in accordance with the procedures and requirements applicable to development and submission of the original plan.

(c) A revision of a plan, or any portion thereof, shall not be considered part of an applicable plan until approved by the Administrator in accordance with this subpart.

§ 60.29 Plan revisions by the Administrator.

After notice and opportunity for public hearing in each affected State, the Administrator may revise any provision of an applicable plan if:

(a) The provision was promulgated by the Administrator, and

(b) The plan, as revised, will be consistent with the Act and with the requirements of this subpart.

5. Part 60 is amended by adding Appendix D as follows:

APPENDIX D—REQUIRED EMISSION INVENTORY INFORMATION

(a) Completed NEDS point source form(s) for the entire plant containing the designated facility, including information on the applicable criteria pollutants. If data concerning the plant are already in NEDS, only that information must be submitted which is necessary to update the existing NEDS record for that plant. Plant and point identification codes for NEDS records shall correspond to those previously assigned in NEDS; for plants not in NEDS, these codes shall be obtained from the appropriate Regional Office.

(b) Accompanying the basic NEDS information shall be the following information on each designated facility:

(1) The state and county identification codes, as well as the complete plant and point identification codes of the designated facility in NEDS. (The codes are needed to match these data with the NEDS data.)

(2) A description of the designated facility including, where appropriate:

(i) Process name.

(ii) Description and quantity of each product (maximum per hour and average per year).

(iii) Description and quantity of raw materials handled for each product (maximum per hour and average per year).

(iv) Types of fuels burned, quantities and characteristics (maximum and average quantities per hour, average per year).

(v) Description and quantity of solid wastes generated (per year) and method of disposal.

(3) A description of the air pollution control equipment in use or proposed to control the designated pollutant, including:

(i) Verbal description of equipment.

(ii) Optimum control efficiency, in percent. This shall be a combined efficiency when more than one device operate in series. The method of control efficiency determination shall be indicated (e.g., design efficiency, measured efficiency, estimated efficiency).

(iii) Annual average control efficiency, in percent, taking into account control equipment down time. This shall be a combined efficiency when more than one device operate in series.

(4) An estimate of the designated pollutant emissions from the designated facility (maximum per hour and average per year). The method of emission determination shall also be specified (e.g., stack test, material balance, emission factor).

(Secs. 111, 114, and 301 of the Clean Air Act, as amended by sec. 4(a) of Pub. L. 91-604, 84 Stat. 1678, and by sec. 15(c)(2) of Pub. L. 91-604, 84 Stat. 1713 (42 U.S.C. 1857c-6, 1857c-9, 1857g))

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